



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re:

Fernando A. Neiva

Debtor(s)

Fernando A. Neiva

Plaintiff(s)

v.

LoanCare, LLC; Patriot Auctioneers, LLC;  
Sullivan & Sullivan Auctioneers, LLC; David  
H. Wellons; and John Does 1-19

Defendant(s)

Ch. 13  
23-40098

Adversary Proceeding:  
23-4015

**Proceeding Memorandum and Order**

**MATTER:**

#19 Motion of Defendants LoanCare, LLC; Patriot Auctioneers, LLC; and Sullivan & Sullivan Auctioneers, LLC to Dismiss Adversary Proceeding

**Decision set forth more fully as follows:**

Denied in part and granted in part for the reasons set forth in open Court. The motion is GRANTED with respect to Counts VII and VIII; Counts VII and VIII are DISMISSED as to Loancare, LLC, Patriot Auctioneers, LLC, and Sullivan & Sullivan Auctioneers, LLC. The motion is DENIED with respect to Counts II-VI.

With regard to Counts II through VI, the Court hereby STAYS any discovery or further action on those counts pending a final determination of Count I or further Court order.

The deadline for Loancare, LLC to file an answer to Count I is August 31, 2023. The deadline for filing dispositive motions is October 23, 2023. Objections to any dispositive motions must be filed within 21 days of the filing of the motion.

A pretrial hearing will be set for November 16, 2023 at 12:00 p.m. in Worcester, Courtroom 3. A hearing on any timely-filed dispositive motion will also be held on November 16, 2023.

Dated: 8/17/2023

By the Court,

  
Elizabeth D. Katz  
United States Bankruptcy Judge